

1 19 NCAC 02E .0609 is proposed for adoption as follows:  
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3 **19A NCAC 02E .0609 ISSUANCE OR DENIAL OF SELECTIVE VEGETATION REMOVAL PERMIT**  
4 **FOR OUTDOOR ADVERTISING**

5 (a) Within 30 days following receipt of the application for a selective vegetation removal permit for outdoor  
6 advertising, including the fee set out in G.S. 136-18.7 and all required documentation set out in G.S. 136-133.2 and  
7 these rules, the Division Engineer shall approve or deny the application. The applicant, as part of the application,  
8 shall state in writing the date that he has delivered a copy of the application with required attachments to a  
9 municipality which has previously advised the Department in writing that it seeks to review such applications. The  
10 applicant shall deliver the application to the municipality at least 30 days prior to submitting the application to the  
11 Department. Once all required documentation has been received by the Department, the Division Engineer shall  
12 have 30 days to approve or deny the application. If written notice of approval or denial is not given to the applicant  
13 within the 30-day Department review period, then the application shall be deemed approved. If the application is  
14 denied, the Division Engineer shall advise the applicant, in writing, of the reasons for denial.

15 (b) The application shall be denied by the Division Engineer if:

- 16 (1) The application is for an outdoor advertising location where the outdoor advertising permit is less  
17 than two years old pursuant to G.S. 136-133.2.
- 18 (2) The application is for the opening of a view to a sign which has been declared illegal or whose  
19 permit has been revoked or is currently involved in litigation with the Department.
- 20 (3) Removal of vegetation will adversely affect the safety of the traveling public.
- 21 (4) The application is for the removal of vegetation planted in accordance with a local, State, or  
22 Federal beautification project unless a mitigating replanting plan related to the site for which the  
23 vegetation permit request is made as set forth in 19A NCAC 02E.0611, except for the provisions  
24 in (d) and (g)(11); and is approved by the applicant, the Department, and if applicable, the Federal  
25 Highway Administration.
- 26 (5) On two previous occasions, the applicant has failed to meet the requirements of ~~the~~ a selective  
27 vegetation removal permit. This is not cause for denial if the applicant engages a landscape  
28 contractor to perform the current work.
- 29 (6) It involves opening of views to junkyards.
- 30 (7) The requested site is subject to a five-year moratorium for willful failure to substantially comply  
31 with all requirements specified in a prior selective vegetation removal permit pursuant to G.S.  
32 136-133.4(e).
- 33 (8) The applicant fails to provide all documentation required in applicable General Statutes and rules.
- 34 (9) If any cutting, thinning, pruning, or removal of vegetation encompassing the entirety of the  
35 maximum vegetation cutting or removal zone is prohibited due to conservation easements or State  
36 or Federal rules, statutes, or permits.

1 History Note: Authority G.S. 136-18(5); 136-18(7); 136-18(9); 136-130; 136-133.2; 136-133.3; 136-133.4,  
2 136-93;  
3 Temporary Adoption Eff. March 1, 2012  
4 Eff. November 1, 2012